

### **REMARKS**

In the Office Action<sup>1</sup> mailed December 5, 2007, the Examiner objected to the specification; rejected claims 32-34 and 45-47 under 35 U.S.C. § 112, second paragraph, as being indefinite; rejected claims 31-34, 41, 44-47, and 54 under 35 U.S.C. § 102(b) as being anticipated by Tamura et al. (U.S. Patent No. 5,517,333, hereafter "Tamura"); rejected claims 35-40 and 48-53 under 35 U.S.C. § 103(a) as being unpatentable over Tamura in view of Takamori (U.S. Patent No. 6,252,995, hereafter "Takamori"); rejected claims 42 and 55 under 35 U.S.C. § 103(a) as being unpatentable over Tamura in view of Morikawa (U.S. Patent No. 5,550,955, hereafter "Morikawa"); and rejected claims 43 and 56 under 35 U.S.C. § 103(a) as being unpatentable over Tamura in view of Ohtsubo et al. (U.S. Patent No. 5,170,249, hereafter "Ohtsubo").

By this Amendment, Applicants amend the specification and amend claims 31-42 and 44-55. Support for the claim amendments can be found in the specification at, for example, paragraph [0076] of this published application. Claims 31-116 remain pending with claims 57-117 withdrawn from consideration.

Regarding the objection to the specification, Applicants have amended page 22 of this application to change "increases" to --decreases--. Accordingly, Applicants respectfully request withdrawal of the objection to the specification.

Applicants respectfully traverse the rejection of claims 32-34 and 45-47 under 35 U.S.C. § 112, second paragraph. By this Amendment, Applicants have amended

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<sup>1</sup> The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

claims 32-34 and 45-47. Accordingly, Applicants respectfully request withdrawal of the rejection of claims 32-34 and 45-47 under 35 U.S.C. § 112, second paragraph.

Applicants respectfully traverse the Examiner's rejection of claims 31-34, 41, 44-47, and 54 under 35 U.S.C. § 102(b) as being anticipated by Tamura.

Claim 31, as amended, recites an image processing apparatus capable of correcting the gradation of image data, comprising, among other things,

area discrimination means for discriminating areas to which the image data belong and outputting discrimination results;

coefficient calculation means for outputting correction coefficients to be used for correction of pixel values of the brightness data based on the discrimination results; and

correction means for correcting the pixel values of the brightness data and the color data with the correction coefficients; wherein

the coefficient calculation means sets the correction coefficients at a fixed value when a signal level of the discrimination results is less than or equal to a prescribed value, and the coefficient calculation means sets the correction coefficients at a value less than the fixed value when the signal level of the discrimination results is greater than the prescribed value.

(Emphasis added). Tamura fails to teach at least the coefficient calculation means setting the correction coefficients.

Tamura, at column 4, line 66, to column 5, line 3, discloses, "the correction gain generation circuit 104 receives the luminance signal Y and the correction coefficient received from the correction coefficient determination circuit 103 and sends a correction gain ( $Y'/Y$ ) to a correction circuit 105." Tamura, at column 9, lines 8-15, further discloses,

An adder 1303 adds the average luminance  $Y_a$  with the correction coefficient  $\gamma$  to supply a signal X:

$$X = Ya + \gamma. \quad (2')$$

Finally, a weighted average circuit 1304 averages the first and second correction gains with a weight determined according to Equation (2') by using the signal X and supplies a correction gain (Y'/Y) to the correction circuit 105.

Accordingly, Tamura is silent to the teaching of an image processing apparatus, "wherein the coefficient calculation means sets the correction coefficients at a fixed value when a signal level of the discrimination results is less than or equal to a prescribed value, and the coefficient calculation means sets the correction coefficients at a value less than the fixed value when the signal level of the discrimination results is greater than the prescribed value," as recited in amended claim 31. For at least this reason, claim 31 distinguishes over Tamura.

Amended claim 44, while of different scope from claim 31, distinguishes over Tamura for at least the same reasons claim 31 distinguishes over Tamura. Claims 32-34, 41, 45-47, and 54 depend from one of claims 31 and 44, and distinguish over Tamura at least due to their dependence.

Applicants respectfully traverse the Examiner's rejections of claims 35-40, 42, 43, 48-53, 55, and 56 under 35 U.S.C. § 103(a).

Claims 35-40, 42, 43, 48-53, 55, and 56 depend from one of claims 31 and 44, and require all the elements of claims 31 or 44. Takamori, Morikawa, and Ohtsubo fail to cure the deficiencies of Tamura. Accordingly, claims 35-40, 42, 43, 48-53, 55, and 56 distinguish over Tamura, Takamori, Morikawa, and Ohtsubo, alone or combined.

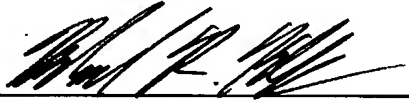
In view of the foregoing remarks, Applicants respectfully request reconsideration of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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